



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Gary L. Gastineau *et al.*

Appl. No. 09/536,663

Filed: March 27, 2000

For: Determining Intra-Day Net Asset Value
Proxy of an Actively Managed Exchange
Traded Fund

Art Unit: 3621

Examiner: Greene, Daniel L.

Atty. Docket: 00322.0008.NPUS00

Reply and Amendment Under 37 C.F.R. § 1.111

Mail Stop Amendment

Commissioner for Patents
Alexandria, VA 22313-1450

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JUL 23 2004

GROUP 3600

Sir:

In response to the Office Action dated April 20, 2004, (PTO Prosecution File Wrapper Paper No. 16), Applicant submits the following Amendment and Remarks.

It is not believed that extensions of time or fees for net addition of claims are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to our Deposit Account No. 08-3038 referencing docket number 00322.0008.NPUS00.

07/21/2004 EABUBAK1 00000047 083038 09536663

01 FC:1201 86.00 DA
02 FC:1202 72.00 DA



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FORM 1700-108

Attorney Docket No. 00322.0008.NPUS00

In re application of Gary L. GASTINEAU *et al.*

Appl. No. 09/536,663

Filed: March 27, 2000

For: Determining Intra-Day Net Asset Value Of An Actively Managed Exchange Traded Fund

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Alexandria, VA 22313-1450

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GROUP 3600

Sir:

Transmitted herewith is an amendment in the above-identified application.

- Small entity status of this application under 37 CFR §§ 1.9 and 1.27 has been established by a statement previously submitted.
- A statement to establish small entity status under 37 CFR §§ 1.9 and 1.27 is enclosed.
- ☒ Additional claim fee is required.

The claim fee has been calculated as shown below:

(Col. 1)		(Col. 2)		(Col. 3)	SMALL ENTITY		Or	OTHER THAN A SMALL ENTITY	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Addit. Fee		Rate	Addit. Fee
Total Claims	26	MINUS	22	= 4	x 9 =	\$ 00.00		x 18 =	\$ 72.00
Indep. Claims	4	MINUS	3	= 1	x 43 =	\$ 00.00		x 86 =	\$ 86.00
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM					+145 =	\$ 00.00		+ 290 =	\$ 00.00
					Total Addit. Fee	\$ 00.00	Or	TOTAL	\$ 158.00

☒ Please charge my Deposit Account No. 08-3038 in the amount of \$ 158.00 for excess claims referencing docket number 00322.0008.NPUS00. A duplicate copy of this sheet is attached.

- Check number * in the amount of \$ *.00 is attached.

☒ The U.S. Patent and Trademark Office is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 08-3038 referencing docket number 00322.0008.NPUS00. A duplicate copy of this sheet is attached.

☒ Any filing fees under 37 CFR § 1.16 for the presentation of extra claims.

☒ Any patent application processing fees under 37 CFR § 1.17.

Date: July 20, 2004

Michael J. Bell (Reg. No. 39,604)
Michael J. Stimson (Reg. No. 45,429)



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July 20, 2004

Mail Stop Amendment

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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GROUP 3600

Re: U.S. Patent Application Serial No. 09/536,663
Filed: March 27, 2000
For: **Determining Intra-Day Net Asset Value Of An
Actively Managed Exchange Traded Fund**
Inventor: Gary L. GASTINEAU, *et al.*
Attorney Docket No. 00322.0008.NPUS00

Sir:

Applicants submit the following documents for appropriate action by the U.S. Patent and Trademark Office:

1. Reply and Amendment Under 37 C.F.R. § 1.111;
2. Form PTO-1083 Amendment (in duplicate); and
3. Return postcard.

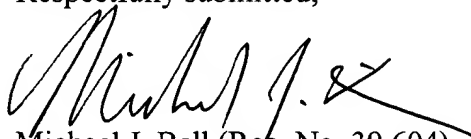
It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier.

The U.S. Patent and Trademark Office is hereby authorized to charge \$158.00 for excess claims, as well as any fee deficiency, or credit any overpayment, to Deposit Account No. 08-3038. If extensions of time under 37 C.F.R. § 1.136 other than those otherwise provided for herewith are required to prevent abandonment of the present patent application, then such extensions of time are hereby petitioned, and any fees therefore are hereby authorized to be

Commissioner for Patents
July 20, 2004
Page 2

charged to our Deposit Account No. 08-3038, referencing the above docket number. *A duplicate copy of this letter is enclosed.*

Respectfully submitted,



Michael J. Bell (Reg. No. 39,604)

Michael J. Stimson (Reg. No. 45,429)

Enclosures